

# **TITLE 68 - HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION: CHAPTER 212 - HAZARDOUS WASTE MANAGEMENT: PART 5 - PROPERTY WHERE METHAMPHETAMINE MANUFACTURED**

## **68-212-501. "Commissioner" defined.**

As used in this part, the "commissioner" means the commissioner of environment and conservation

## **68-212-502. List of certified industrial hygienists - Testing of properties.**

The commissioner shall compile and maintain a list of certified industrial hygienists and such other persons or entities the commissioner certifies as qualified to perform the services of industrial hygienists. Such persons will test properties in which a process intended to result in the manufacture of methamphetamine has occurred, as defined by § 39-17-435, to determine if a property is safe for human use. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. The commissioner shall also compile and maintain a list of persons authorized to perform clean-up of property where such a process has occurred. Such lists may be posted on the website maintained by the commissioner.

## **68-212-503. Quarantine of property.**

(a) The purpose of the quarantine provided for in this section is to prevent exposure of any person to the hazards associated with methamphetamine and the chemicals associated with the manufacture of methamphetamine.

(b) Any property, or any structure or room in any structure on any property wherein the manufacture of a controlled substance listed in § 39-17-408(d)(2) is occurring or has occurred, may be quarantined by the local law enforcement agency where such property is located. The law enforcement agency which quarantines the property shall be responsible for posting signs indicating that the property has been quarantined and, to the extent they can be reasonably identified, for notifying all parties having any right, title or interest in the quarantined property, including any lienholders.

(c) (1) Any person who has an interest in property quarantined pursuant to this section may file a petition in the general sessions, criminal, circuit or chancery court of the county in which the property is located. Such a petition shall be for the purpose of requesting that the court order the quarantine of such property be lifted for one (1) of the following reasons:

(A) That the property was wrongfully quarantined; or

(B) That the property has been properly cleaned, all hazardous materials removed and that it is now safe for human use but the law enforcement agency who imposed the quarantine refuses to lift it.

(2) The court shall take such proof as it deems necessary to rule upon a petition filed pursuant to this section and, after hearing such proof, may grant the petition and lift the quarantine or deny the petition and keep the quarantine in place.

(d) It is prohibited for any person to inhabit quarantined property, to offer such property to the public for temporary or indefinite habitation, or to remove any signs or notices of the quarantine. Any person who willfully violates this subsection (d) commits a Class B misdemeanor.

## **68-212-504. Rules and regulations.**

The commissioner is authorized to promulgate rules concerning the inspection, testing and quarantine of property affected by this part.

## **68-212-505. Testing of property - Certification that property safe.**

Once the property has been quarantined, any party having a right, title or interest in the quarantined property, including any lienholders, may contact either a certified industrial hygienist or other person or entity certified as qualified from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list compiled pursuant to § 68-212-502 certifies to the quarantining agency that the property is safe for human use.

## **68-212-506. Calculation of restitution.**

Any inspection, testing or quarantine conducted pursuant to this part shall be considered when calculating the appropriate restitution under § 39-17-417(c)(2)(B).



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Name of Certified Industrial Hygienist or Other Authorized Person and Company

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Signature of Certified Industrial Hygienist  
or Other Authorized Person

Date

Notary Acknowledgement or Two Subscribing Witnesses as provided in Tennessee Code Annotated, title 66, chapter 22.

**68-212-509. Submission of information regarding quarantined site - Registry of quarantined sites.**

(a) Within seven (7) days of issuing an order of quarantine, the law enforcement agency that issued the order shall transmit to the commissioner at least the following information regarding the site:

- (1) The date of the quarantine order;
- (2) The county;
- (3) The address;
- (4) The name of the owner of the site; and
- (5) A brief description of the site, such as single family home, apartment, motel, wooded area, etc.

(b) The department of environment and conservation shall maintain a registry of all properties reported by a law enforcement agency that have been under order of quarantine for at least sixty (60) days. The registry shall be available for public inspection at the department and shall be posted on its website. Listed properties shall be removed from the registry when a law enforcement agency reports that the quarantine has been lifted in accordance with this part.